

SECTION 3 REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

3.1 GENERAL IMPROVEMENTS

Subdivisions and resubdivisions, including related streets, drainage and other improvements required by these Regulations, shall be planned, designed and constructed in accordance with the standards hereinafter specified.

3.1.1 Plan of Development: Subdivisions shall be planned and designed in general conformity with the Town of Granby Plan of Development, adopted by the Commission under Chapter 125 of the Connecticut General Statutes

3.1.2 Subdivision Name: The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these Regulations. The principal road in the subdivision shall bear the same name as the subdivision and shall be taken from the "Suggestions for Street and/or Development Names" prepared by the Salmon Brook Historical Society.

3.1.3 Dedication of Open Space

Granby is a community located on the western fringe of the more densely developed suburban and urban communities to the south and east. Granby serves as the transition between those communities and the very rural areas west of Granby. The Town of Granby, through its open space policies and its preservation efforts continues to maintain large areas of natural habitat for flora and fauna and significant agricultural areas. These areas must not become islands of preservation, isolated by thoughtless independent developments. Agricultural use and wildlife habitat cannot adequately survive in isolation and must be linked and supported through the continuous preservation of additional land areas. Therefore, proposed developments must preserve land areas at a level and in areas that are consistent with the type of community that Granby is today. Proposed developments must not alter the basic character of the community by siting developments in a manner that will negatively impact the preservation of the Town's open space and agricultural areas. As Granby is unique, so too are its regulations, design and preservation standards. It is only through these efforts that the Town of Granby can succeed in maintaining within this community the open spaces, habitat and agricultural areas that serve the local community, the region and the State of Connecticut.

In accordance with Section 8-25 of the Connecticut General Statutes and consistent with the State Plan of Conservation and Development and the Granby Plan of Conservation and Development, no subdivision of land shall be made unless proper provisions have been made for the preservation of Open Space.

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- 3.1.3.1** All subdivision applications shall include a dedication of open space equal to or greater than twenty (20) percent of the combined acreage of the lots proposed within the subdivision. At least fifty (50) percent of this open space shall be preserved as **Useable Open Space**. Useable Open Space shall contain no wetlands, as defined by the Inland Wetlands and Watercourses Regulations, no excessive slopes (greater than 20%), and no storm water detention facilities. The Commission may waive this requirement and permit the required open space area to include areas of wetlands and excessive slopes where the total area of the property to be developed contains more than 25% of such areas. In all cases the proportion of wetlands and excessive slopes that is included within the open space shall not exceed the proportion that exists within the total area to be developed. **Useable Open Space** must be permanently preserved by deeding the land, to the Town of Granby, Granby Land Trust, McLean Game Refuge, State Department of Environmental Protection or other approved nonprofit or preservation organization. The applicant shall provide documentation that the receiver of the open space, as outlined above, agrees to take ownership of the open space.
- 3.1.3.2** The location of the **Useable Open Space** shall be designed in accordance with one or more of the following factors as appropriate to the site, bearing in mind that some factors conflict with others.
- 3.1.3.2.1** Where new roads are proposed, open space is located so as to create a buffer between the existing Town/State road(s) and the proposed lots. Open space that is preserved as part of the Visual Streetscape Buffer (Section 3.1.4.1.5) may be counted as a part of the open space preservation requirement and as Useable Open Space where it complies with the requirements of Section 3.1.3.1.
- 3.1.3.2.2** The open space is suitable for public active recreational use.
- 3.1.3.2.3** The open space is located to preserve such natural features as scenic vistas, ridge tops, significant tree groves and environmentally sensitive areas.
- 3.1.3.2.4** The open space is located in areas to preserve significant man made features such as stonewalls or historic structures.
- 3.1.3.2.5** The open space is located so as to preserve agricultural lands.
- 3.1.3.2.6** The open space is located in areas which connect existing open space, or areas with the greatest potential for future open space, and facilitate recreational and green space corridors and/or trails.
- 3.1.3.2.7** The open space extends beyond the wetland boundary of a stream or watercourse a minimum of 100 feet on either side.

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3.1.3.2.8 The open space is designed as a buffer between the proposed subdivision and abutting properties.

3.1.3.2.9 The Commission may waive the above requirements for the preservation of all or part of the Open Space under one of more of the following circumstances:

Where the primary purpose of the subdivision is to facilitate a transfer of ownership of an existing building or buildings that are located on a previously developed property;

Where the subdivision is for conservation or non-residential purposes, or;

Where the preservation of open space is found to be unnecessary due to the unique and unforeseen nature of the application.

3.1.3.3 In all cases, the Planning and Zoning Commission shall determine where the usable open space will be located, based on the needs and the benefits to the community and the environment and in basic conformance with the Town's Plan of Conservation and Development.

3.1.3.4 The additional open space area that is **not identified as Usable Open Space**, as defined herein, shall be preserved in one (1) or more of the following ways:

3.1.3.4.1 Deeded in fee to an approved entity as identified for the Usable Open Space in Section 3.1.3.1 above;

3.1.3.4.2 Deeded in the form of a conservation easement to an approved entity as identified for the Usable Open Space in Section 3.1.3.1 above;

3.1.3.4.3 Deeded in fee or in the form of a conservation easement to a home owners' association;

3.1.3.4.4 Deeded in the form of an agricultural easement for the exclusive use of crop production to an approved user;

3.1.3.4.5 Deeded in the form of a scenic easement to an approved preservation organization;

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- 3.1.3.4.6** Where the open space (that which is not a part of the Usable Open Space) is preserved in the form of a conservation easement or similar restriction, the restriction shall be granted in perpetuity exclusively for the conservation and preservation of open space for the enjoyment of the general public. Except as otherwise set forth within the approval, prohibited within conservation areas shall be the following:
- The construction or the placing of buildings, roads, parking areas or other impermeable surfaces, signs or other advertising materials, utilities or other structures on or above the ground, except those structures used for agricultural purposes and approved by the Commission;
 - The dumping or placing of soil or other substances or materials as landfill, or the dumping or placing of trash, waste or other unsightly and offensive materials;
 - The excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other substances;
 - All uses excepting passive outdoor recreational uses, providing the land remains predominantly in its natural condition;
 - Any manipulation or alteration of natural watercourses, marshes, or other water bodies and any other acts or uses detrimental to the retention of said land in its natural and scenic and open condition.
 - The use of motorized recreational vehicles.
- 3.1.3.5** The Commission may reduce the open space area that is **not identified as Usable Open Space** under the following conditions:
- 3.1.3.5.1** Where prime agricultural land with class 1 or 2 soils is preserved, as outlined in the soil survey of Hartford County, CT, report by Arthur E. Shearin, Soil Conservation Service and David E. Hill, Connecticut Agricultural Experiment Station.
- 3.1.3.5.2** Where affordable housing is proposed.
- 3.1.3.5.3** Where solar access and other energy conservation methods are employed.
- 3.1.3.5.4** Where less than six (6) lots are proposed.
- 3.1.3.5.5** Where no new road construction is proposed.

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- 3.1.3.5.6** Where the proposed average lot size is 100% larger than the lot size required under Section 5 of the Zoning Regulations.
- 3.1.3.6** All applicants are strongly encouraged to appear before the Commission for a pre-application discussion of their proposed open space plan, prior to the submission of the complete application. Requests for a pre-application discussion shall be made in writing to the Director of Community Development and shall be placed on the earliest possible agenda of the Commission.
- 3.1.3.7** A site improvement plan must be prepared in any case where improvements are proposed in public or private open space land.
- 3.1.3.8** There shall be no depositing, dumping or storage of waste or other natural or man-made materials, supplies or equipment on any subdivision land designated as open space without the prior approval of the Town Engineer and in accordance with State law.
- 3.1.3.9** Land to be used as public or private open space shall be left in a condition for the purpose intended. Where directed by the Commission, the applicant shall remove undesirable vegetation and debris. Open space that is to be used for recreation shall be graded and seeded to dispose of surface water. In general, wooded areas and areas along the edges of waterways areas shall be left undisturbed.
- 3.1.3.10** Security deposits, as outlined in Section 7, which provide for the completion of public improvements shall be sufficient to cover the estimated costs of required improvements to public or private open space areas.
- 3.1.3.11** In the event that the dedication and the location of the open space is deferred, due to a phased development, that fact shall be stated on the mylar and a cash bond or other security shall be established to assure the future dedication of open space as required by the subdivision.
- 3.1.3.12** The total area of required open space may be broken up into separate areas of not less than one (1) acre, provided the total of all areas is equal to or greater than the minimum requirement of Section 3.1.3.1. The Commission may waive the one (1) acre minimum when the future development of adjoining land makes smaller areas feasible or where the area is a continuation of a stream protection area, existing or future open space corridor or other natural features.

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3.1.3.13 When a tract is to be developed in stages, the Commission may allow the preservation of open space to be included in any of the phases provided the necessary total amount of open space is preserved as required by the Commission upon the completion of the development of the entire tract and provided the open space meets all requirements of the Commission. The Commission shall require a bond as per Section 7 to assure the preservation of the total area of the open space proposed for the subdivision.

3.1.3.14 All Useable Open Space shall abut or have direct access to a street through a right-of-way dedicated to public use. In acceptable circumstances, such as where the proposed Useable Open Space abuts an existing open space, the Commission may reduce or waive this requirement.

3.1.3.15 Fees in Lieu of Open Space Dedication

As set forth in Section 8-25 of the Connecticut General Statutes, the Commission may authorize the applicant to pay a fee to the Town of Granby, or may approve a combination of paying a fee to the Town of Granby and preserving the land in accordance with this section, in lieu of the full requirement to preserve open space otherwise required by these Regulations. In considering any land to be transferred under this Section, the Commission shall follow the procedures outlined in the Connecticut General Statutes, as amended. The procedure is set forth below:

The applicant shall provide the Commission with a narrative setting forth the proposal to pay a fee, or pay a fee and transfer land, in lieu of the full open space dedication as set forth above.

The Commission shall determine whether to accept the proposal of the applicant, to recommend an alternate fee, a different combination of dedication and fee, or to require a dedication only.

If fees in lieu of open space are to be allowed, the Commission, through the Director of Community Development, and the applicant shall first jointly select an appraiser to determine the fair market value of land proposed to be subdivided. The applicant shall be responsible for all of the appraisal fees and expenses. At the option of the applicant, the applicant may request that the Commission agree to establish the fair market value based on the value noted on the Assessor Property Card, for land only, as adjusted for inflation, if any, by the Town Assessor.

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The final fair market value of the land; shall be determined by the Commission, when and if, the fee in lieu of open space is accepted.

The payment, or combination of payment and the fair market value of the land transferred for preservation, shall be equal to ten percent of the fair market value of the land to be subdivided prior to the approval of the subdivision, except that the Commission may accept a payment of 6% where only one new parcel is created and 8% where two new parcels are created.

The method of payment of any fees under this Section shall be one of the following two options:

The applicant, at his option, may submit the entire fee in one lump sum prior to the filing of subdivision mylars with the Town Clerk; or

The applicant may elect to submit a fraction of such payment, the numerator of which is one and the denominator of which is the number of approved building lots in the subdivision, no later than the time of the sale of each approved building lot; and a notation describing this requirement shall be placed on the final subdivision map filed in the Town Clerk's office. If this option is chosen, the applicant shall submit a bond or other security acceptable to the Director of Community Development, equal to the full amount of fee required, prior to the filing of the subdivision maps in the Town Clerk's office.

Fees submitted under this section shall be deposited by the Town in a fund, which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes. The disbursement of such fees shall be approved by the Commission and shall be consistent with the Plan of Conservation and Development. Any required fees shall be paid to the Town prior to the release of any subdivision bond.

3.1.3.16 The open space requirements of this section shall not apply if the transfer of all land in a subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision is to contain affordable housing, as defined in section 8-39a, equal to twenty per cent or more of the total housing to be constructed in such subdivision.

3.1.4 Vegetation Preservation/Planting Plan (VPPP)

3.1.4.1 All applications for subdivision shall include an overall VPPP plan. The plan must include as applicable the following:

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- 3.1.4.1.1** The boundary of wooded areas located on the site.
- 3.1.4.1.2** The area of the subdivision to be cleared, providing for a minimum of three (3) trees within the front yard of each lot to be planted or preserved. Each tree shall have a minimum caliper of three and one-half (3.5) inches.
- 3.1.4.1.3** Where the proposed subdivision borders an existing agricultural use, the common boundary shall contain a buffer area of at least fifty (50) feet. Said buffer shall be designed to minimize the potential for conflict between the uses. Dense vegetation, earth berms, fencing and the use of existing natural features; such as, streams, wetlands, existing woodlands, slopes, stone walls, etc., shall be utilized in the design of buffers.
- 3.1.4.1.4** The interior area of all cul-de-sacs shall be landscaped in a manner that will require little or no future maintenance. The use of native trees, shrubs, vegetative ground cover and boulders shall be preferred to the establishment of grassy areas.
- 3.1.4.1.5** A visual streetscape buffer shall be established whenever subdivisions are proposed which have access or create new lots on any street, existing within the Town on 1/1/2000. The streetscape buffer shall stretch along the entire street frontage of the property, adjacent to the through street. The streetscape buffer shall extend from the street line, back into the property to a minimum depth equal to the lesser of 50% of the depth (as measured, perpendicular from the street line to the furthest point of the rear property line), or a distance of 500 feet. The depth of the buffer shall be computed based on the configuration of the entire parcel, prior to subdivision. Within the streetscape buffer all existing vegetation shall be preserved, the removal and depositing of earth and other materials shall be prohibited, and all construction activity shall be prohibited, except as specifically approved by the Commission.

Where new streets will provide access and egress to the property by crossing the streetscape buffer, the area of the entrance shall be landscaped to visually ease the transition from the existing town road to the proposed subdivision. The buffer area shall be established as outlined above, and preserved between the street line and new interior subdivision lot(s), except as necessary to achieve proper sight line for vehicles exiting and/or entering the development. The Commission may require the use of natural features such as wetlands, existing woodlands, slopes, stonewalls, etc., in the design of the buffer. The development shall also provide for the preservation of existing historic structures, barns, period fencing, or other significant features where they exist within the area of the buffer. Where natural, historical or other significant features are absent, earth berms and boulders may be used in conjunction with the planting of native trees and shrubs.

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The Commission may reduce the depth of the streetscape buffer where conditions exist which, while preserving the streetscape; lessen the required depth of the buffer. These conditions include, but are not limited to:

- The vertical and horizontal alignment of the roads,
- The quality and quantity of the existing vegetation,
- The quality and quantity of proposed vegetation,
- The existence of natural and geological features which serve as a buffer,
- The existence of man made and historical features, which serve as a buffer.

The streetscape buffer shall be permanently preserved through the creation of a conservation or similar easement, shown on the approved subdivision map and/or by deeding the fee or easement to an approved entity.

3.1.4.2 The new road and existing rights-of-way shall only be cleared of existing vegetation as outlined in the VPPP to provide for safety, drainage and construction.

3.1.4.3 Maintenance of the visual integrity of hilltops and ridge lines shall be maintained by designing the development so that building silhouettes will be below the ridgeline or hilltop or, if the area is heavily wooded, so that the building silhouette will be at least ten (10) feet lower than the average canopy height of trees on the ridge line or hilltop.

3.2 DESIGN AND LOCATION

3.2.1 Lot Arrangement: The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Regulations and Health Codes and in providing driveway access to buildings on such lots from an approved street.

3.2.2 Double Frontage (Through Lots): Double Frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

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3.2.3 Solar Access: The developer must demonstrate to the Commission that she/he has considered, in the locations of the lots, using passive solar energy techniques which would not significantly increase the cost of the housing to the buyer after tax credits, subsidies and exemptions. As used in this subsection, passive solar energy techniques mean site design techniques that maximize heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season.

The site design techniques shall include, but not be limited to: (1) house orientation; (2) street and lot layout; (3) vegetation; (4) natural and man-made topographical features; and (5) protection of solar access within the development. See Connecticut General Statutes (CGS), Section 8-25 (b).

3.2.4 Lot Arrangements on Existing Streets: Lots proposed for existing streets shall, in addition to meeting other applicable standards of these Regulations, be arranged to conform with the following:

3.2.4.1 Where no street lines have been established on an existing street, front property lines for subdivision lots shall not be closer than twenty-five (25) feet from the center of the road or fifty (50) feet from and parallel to an established street line on the opposite side of the street. The Commission may require that the title to all land between the center of the road and the front property lines of the subdivision lots be dedicated to the Town of Granby in accordance with the legal requirements for such a procedure.

3.2.4.2 Where the development of a lot fronting on an existing street will cause drainage problems in that street, the developer shall install drains in the street or make such other provision as may be necessary to correct the condition.

3.2.5 Lot Dimensions: Lot dimensions shall comply with the minimum standards of the Zoning Regulations except where the Commission approves a site-specific flexible residential development (see Section 5). Side lot lines shall generally be at right angles to street lines. Corner lots shall have extra width to permit the minimum lot frontage on each street.

3.2.6 Lot Square: The shape of all lots shall be such that the lot can fit a square having sides equal to the minimum frontage required (for the particular zone where subdivision is proposed) minus twenty-five (25) feet, with one side of the square placed along the required lot frontage as close to parallel to the road as possible. This requirement is not applicable to subdivisions designed under the Flexible Residential Development guidelines of Section 8.20 of the Zoning Regulations.

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- 3.2.7 Contiguous Developable Area:** All lots created through subdivision or resubdivision shall contain a contiguous developable area equal to at least 40,000 square feet in the R2A zone; 35,000 square feet in the R50 zone; and 30,000 square feet in the R30 zone.
- 3.2.7.1** For the purpose of this Regulation, a contiguous developable area shall be defined as an uninterrupted contiguous area, which does not contain wetlands, watercourses, water bodies, or areas with slopes in excess of 20% that extend 50 linear feet or more. The contiguous developable area may be reduced by 50% when both public water and public sewer are available. Where Flexible Residential Development applications are proposed the minimum Contiguous Developable Area shall be reduced to 20,000 square feet in the R2A zone; 17,500 square feet in the R50 zone; and 15,000 square feet in the R30 zone. The 50% reduction for public water and public sewer shall not apply to FRD applications.
- 3.2.7.2 The lot development plan shall demonstrate that:**
- a.** The primary structure can be accommodated within the Contiguous Developable area.
 - b.** The primary structure, as it is placed within the Contiguous Developable Area, can be accessed from a public street. The primary structure shall be constructed within the Contiguous Developable Area, except where extraordinary circumstances are identified that justify the location of the structure elsewhere on the site.
- 3.2.8 Electric Power, Telephone, and Other Cable Systems:**
- 3.2.8.1** Electric power, telephone, and other cable systems shall be placed underground in all residential subdivisions; except that in those portions of a subdivision adjacent to an existing Town road, the existing electric power, telephone and cable system facilities on such road may be used.
- 3.2.8.2** The whole or any part of an electric power, telephone, or cable system may be permitted above ground on new roads whenever and to the extent that the Commission has determined that safe underground installation is not feasible because of soil or water conditions or other natural or man-made conditions. In these cases, utility poles shall be seven (7) feet from the right-of-way lines.
- 3.2.9** Monuments - Permanent reference monuments shall be placed within the subdivision as required herein.

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- 3.2.9.1** Town road right-of-way mere stones, perimeter boundary and lot corners shall conform to Class A-2 of Code of Recommended Practice for Standards of Accuracy of Maps, as amended. A registered land surveyor in the State of Connecticut will certify to vertical/horizontal correctness.
- 3.2.9.2** A minimum of two (2) vertical/horizontal control points will be set within the Town right-of-way at positions designated by the Town Engineer. Horizontal coordinates will be from the Granby co-ordinate system with tie-in requirements as above. Vertical control will be datum National Geodetic Vertical Data (NGVD). The markers used for horizontal and vertical control shall consist of a mere stone with a brass cap.
- 3.2.9.3** A registered land surveyor shall certify to the horizontal and vertical accuracy of the points set in accordance with Class A-2 of the Code of Recommended Practice for Standards of Accuracy of Maps prepared by the Connecticut Association of Land Surveyors, January 1984.
- 3.2.9.4** Highway lines shall be monumented by standard mere stones at all points, (Point of Curve, Point of Radius, and Point of Radius Curve). The maximum distance between highway mere stones will be 500 feet on tangent or curved sections of the highway line. Highway mere stones will be set to the accuracy of Class A-2 of the Connecticut Association of Land Surveyors. The proposed highway line will be tied into existing highway lines by distance and bearing. Additional locations shall be shown on the highway line as required by the Town Engineer.
- 3.2.9.5** Unless otherwise required by the Town Engineer, all lot corners shall be permanently located by metal pins; at least 3/4 inch in diameter and thirty (30) inches in length.